

PRICE OKAMOTO HIMENO & LUM

WARREN PRICE III 1212

ROBERT A. MARKS 2163

707 Richards Street, Suite 728

Honolulu, Hawaii 96813

Phone: 808.538.1113

Fax: 808.533.0549

E-mail: wprice@pohlhawaii.com

ram@pohlhawaii.com

Attorneys for Defendants

KG HOLDINGS, LLC, KIAHUNA

GOLF CLUB, LLC, KG KAUAI

DEVELOPMENT, LLC, PUKALANI

GOLF CLUB, LLC, KG MAUI

DEVELOPMENT, LLC, MILILANI

GOLF CLUB, LLC, QK HOTEL, LLC,

and OR HOTEL, LLC,

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD., a

Japan corporation,

Plaintiff,

vs.

QK HOTEL, LLC, a Hawaii limited

liability company, et al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO (USA) CO., LTD.,

a Delaware Corporation, et al.,

CV 04-00124 ACK-BMK

CONSOLIDATED CASES

[PROPOSED] ORDER GRANTING

KG DEFENDANTS' MOTION FOR

RECONSIDERATION OF ORDER

DENYING DEFENDANTS'

MOTION FOR SUMMARY

JUDGMENT IN CV NO. 04-00128

ACK/BMK FILED ON MARCH 29,

2006, FILED ON APRIL 12, 2006;

VACATING ORDER DENYING

DEFENDANTS' MOTION FOR

SUMMARY JUDGMENT IN CV

NO. 04-00128 ACK/BMK FILED ON

MARCH 29, 2006; AND DENYING

WITHOUT PREJUDICE KG

Third-Party Defendants.

DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT IN CV
NO. 04-00128 ACK-BMK, FILED
JANUARY 13, 2006

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

PUKALANI GOLF CLUB, LLC, a
Hawaii limited liability company, et
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

vs.

SPORTS SHINKO CO., LTD., a
Japan Corporation, et al.,

Third-Party Defendants

CV 04-00125 ACK-BMK

SPORTS SHINKO (USA) CO., LTD.,
a Delaware corporation,

Plaintiff,

vs.

KIAHUNA GOLF CLUB, LLC, a
Hawaii limited liability company, et
al.,

Defendants,

and

FRANKLIN K. MUKAI,

Third-Party Plaintiff,

CV 04-00126 ACK-BMK

<p>vs. SPORTS SHINKO CO., LTD., a Delaware Corporation, et al., Third-Party Defendants.</p>	
<p>SPORTS SHINKO CO., LTD., a Japan corporation, Plaintiff, vs. OR HOTEL, LLC, a Hawaii limited liability company, et al., Defendants, and FRANKLIN K. MUKAI, Third-Party Plaintiff, vs. SPORTS SHINKO (USA) CO., LTD., a Delaware Corporation, et al., Third-Party Defendants.</p>	CV 04-00127 ACK-BMK
<p>SPORTS SHINKO (USA) CO., LTD., a Delaware corporation, Plaintiff, vs. MILILANI GOLF CLUB, LLC, a Hawaii limited liability company; et al., Defendants, and FRANKLIN K. MUKAI, Third-Party Plaintiff, vs. SPORTS SHINKO CO., LTD., a Japan Corporation, et al., Third-Party Defendants.</p>	CV 04-00128 ACK-BMK

[PROPOSED]
ORDER GRANTING KG DEFENDANTS' MOTION FOR
RECONSIDERATION OF ORDER DENYING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT IN CV NO. 04-00128 ACK/BMK
FILED ON MARCH 29, 2006, FILED ON APRIL 12, 2006; VACATING
ORDER DENYING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
IN CV NO. 04-00128 ACK/BMK FILED ON MARCH 29, 2006; AND
DENYING WITHOUT PREJUDICE KG DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT IN CV NO. 04-00128 ACK-BMK,
FILED JANUARY 13, 2006

The KG Defendants' Motion for Reconsideration of Order Denying Defendants' Motion for Summary Judgment In CV No. 04-00128 ACK/BMK filed on March 29, 2006 was timely filed on April 12, 2006 ("Reconsideration Motion"). Thereafter, the Sports Shinko Companies' Memorandum In Opposition to KG Defendants' Motion for Summary Judgment In CV No. 04-00128 ACK-BMK filed on March 29, 2006 ("Opposition Memorandum") was timely filed on May 22, 2006. KG Defendants' Reply Memorandum In Support Of Motion For Reconsideration Of Order Denying Defendants' Motion For Summary Judgment In CV No. 04-00128 ACK/BMK filed on March 29, 2006 ("Reply Memorandum") was timely filed on June 16, 2006.

The Reconsideration Motion asked the Court to reconsider its Order Denying Defendants' Motion for Summary Judgment In CV No. 04-00128 ACK/BMK filed on March 29, 2006 ("MSJ Order") pursuant to Local Rule 60.1 of the Rules of the United States District Court for the District of Hawaii ("LR").

The Reconsideration Motion was set for decision as a non-hearing motion pursuant to LR7.2.

The Court, having considered the Reconsideration Motion, the Opposition Memorandum and the Reply Memorandum, and the complete record herein, hereby grants the Reconsideration Motion. The MSJ Order is vacated in its entirety, and no reference shall be made to it in further proceedings in these consolidated cases. KG Defendants' Motion for Summary Judgment in CV No. 04-00128 ACK-BMK, filed January 13, 2006 is hereby denied without prejudice.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, _____.

Alan C. Kay
Sr. United States District Judge